Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

List of issues prior to submission of the fifth periodic report of Liechtenstein*

Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee's previous recommendations

Follow-up questions from the previous reporting cycle

1. In its previous concluding observations (see CAT/C/LIE/CO/4, para. 28),[1] the Committee requested Liechtenstein to provide further information regarding areas of particular concern identified by the Committee, namely the definition of torture and statute of limitations; the treatment of persons deprived of their liberty; violence against women; and training (paras. 11, 17, 21 and 27). Noting that a reply concerning the information sought by the Committee was provided on 21 December 2016 (CAT/C/LIE/CO/4/Add.1) and with reference to the letter dated 10 May 2018 from the Committee's Rapporteur for follow-up to concluding observations, the Committee considers that the recommendations included in paragraphs 11, 17, 21 and 27 mentioned above have been partly implemented (see paras. 2, 3, 7, 12 and 16 of the present document).

Articles 1 and 4

2. With reference to the Committee's previous concluding observations (para. 11) and taking note of the information provided by the State party in its follow-up reply (see CAT/C/LIE/CO/4/Add.1, para. 3), please provide updated information on the outcome of the activities of the working group set up by the Ministry for Home Affairs, Justice and Economic Affairs regarding possible revisions to the Criminal Code, and on any measures taken to incorporate a distinct crime of torture into the Criminal Code, in conformity with article 1 of the Convention. Please indicate whether the definition would contain adequate provisions for the prosecution and conviction of perpetrators and accomplices of such acts before ordinary criminal courts[2] and ensure that offences amounting to torture carry penalties commensurate with the gravity of the crime.

3. Also with reference to the Committee's previous concluding observations (para. 11), please provide information on any steps taken to ensure that acts of torture are not subject to any statute of limitations, so that the crime of torture can be investigated, prosecuted and punished without risk of impunity.

* Adopted by the Committee at its sixty-third session (23 April–18 May 2018).

[1] Unless otherwise indicated, paragraph numbers in parentheses refer to the previous concluding observations adopted by the Committee.

[2] See CCPR/C/LIE/CO/2, para. 30 (d).

Article 2[3]

4. With reference to the Committee's previous concluding observations (para. 13), please indicate whether the Code of Criminal Procedure has been amended to introduce mandatory audio and video recording of all police interrogations and questioning[4] as a basic safeguard to prevent torture and ill-treatment. In addition, please indicate whether there is an independent mechanism within the legal system, but separate from the police, which investigates allegations of torture and ill-treatment.[5]

5. Please indicate whether juveniles may be subjected to questioning by the police and requested to sign statements without the presence of a lawyer or trusted person and whether the State party has a full-fledged and properly funded system of legal aid for indigent persons. Also, please indicate whether there is an electronic or paper custody register at the National Police Headquarters.

6. With reference to the Committee's previous concluding observations (para. 15), please indicate whether legislation has been amended during the period under review to ensure complete separation between the functions of investigation and detention so that the Ministry of Justice has full and exclusive competence over the penitentiary system, as recommended by the Corrections Commission. Please also indicate whether the formal and effective separation of premises has been carried out with regard to those under the control of the National Police.

7. With reference to the Committee's previous concluding observations (para. 17) and taking note of the information provided by the State party in its follow-up reply (see CAT/C/LIE/CO/4/Add.1, paras. 5–7), please provide information on:

(a) The results of the activities of the working group appointed by the Government to explore ways to improve the situation of inmates in the national prison, including work, leisure activities and the facilitation of their return to social life;

(b) The results of the work of the working group set up in 2016 composed of representatives of the Ministry of Justice, the police, the social welfare authority, prison management, the judiciary and the probation service regarding the future execution of sentences in the country;

(c) Whether persons arriving in the national prison are examined by an independent medical doctor within 24 hours of arrival, and on the effectiveness of the service agreement for the delivery of medication to prisoners, concluded with the Family Assistance Liechtenstein association, instead of that service being provided by qualified medical staff, in line with international standards.

8. With reference to the Committee's previous concluding observations (para. 19), please provide updated information on any measures taken by the State party to ensure proper separation of detainees in Vaduz National Prison.

9. Please provide information about any amendments to the Execution of Sentences Act regarding a reduction in the duration of solitary confinement for disciplinary reasons, which can currently be up to four weeks, and whether juveniles are excluded from such measures.

10. Please provide information in relation to allegations of excessive use of force by law enforcement officials against illegal migrants, including both adults and juveniles.

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[3] The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2 by States parties, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent such ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also chapter V of the same general comment.

[4] See CCPR/C/LIE/CO/2, para. 26.

[5] Ibid., para. 30 (c).

11. With reference to the Committee's previous concluding observations (para. 25), please provide updated information on:

(a) Whether the law on the Liechtenstein Human Rights Association, which entered into force on 1 January 2017, has resulted in the creation of a national institution for the promotion and protection of human rights in Liechtenstein that is compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(b) Whether the Association has been provided with adequate financial, administrative and personnel resources to effectively cover all elements of its comprehensive mandate to promote and protect human rights;[6]

(c) Whether the Association has sought accreditation with the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, and if so, with what results.

Article 3

12. With reference to the Committee's previous concluding observations (para. 21) and taking note of the information provided by the State party in its follow-up reply (see CAT/C/LIE/CO/4/Add.1, para. 11), please provide updated information on steps taken by the State party to ensure the application of an approach during the refugee status determination procedure that allows for the identification of victims of violence.

Articles 5–9

13. Please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention.

14. Please inform the Committee of any extradition treaties concluded with other States parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such treaties.

15. Please clarify the mutual judicial assistance treaties or agreements that the State party has entered into with other entities, such as countries, international tribunals or international institutions, and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture and ill-treatment. Please provide examples.

Article 10

16. With reference to the Committee's previous concluding observations (para. 27) and taking note of the information provided by the State party in its follow-up reply (see CAT/C/LIE/CO/4/Add.1, paras. 13–15), please provide information on:

(a) Any specific training provided during the period under review to law enforcement personnel and other public officials involved in work with persons deprived of their liberty, asylum seekers and migrants on the prohibition against torture and on the provisions of the Convention, in line with article 10 of the Convention;

(b) Whether the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol)[7] has been made an essential part of training, particularly for all medical professionals and for law enforcement personnel, judges, lawyers and prosecutors;[8]

(c) Whether any methodologies have been adopted to assess the effectiveness and impact of such training.

[6] Ibid., para. 8 (a).
[7] Ibid., para. 19.
[8] Ibid., para. 20 (b).

Article 11

17. Please provide information on any amendments to the existing legislative framework that would allow for the authorities of the State party and the Liechtenstein Corrections Commission, which also serves as the national preventive mechanism under the Optional Protocol to the Convention,[9] to visit detainees held abroad in view of the agreement with neighbouring countries to house detainees serving longer sentences, in order to oversee their living conditions.[10]

18. Please describe the procedures in place for ensuring compliance with article 11 of the Convention. Please provide information on any interrogation rules, instructions, methods, practices and arrangements for custody, particularly those that may have been introduced since the consideration of the previous report, and indicate the frequency with which they are reviewed.

19. Please provide information on the outcome of any investigation into the one suicide in prison reported in 2015. Please also provide information with regard to allegations of discriminatory treatment of detained migrants.

Articles 12–13

20. Please provide comprehensive statistical data, disaggregated by age, gender, ethnic or national origin and place of detention, on complaints, investigations, prosecutions, including disciplinary and criminal proceedings, and convictions and the criminal or disciplinary sanctions applied in any cases of torture, ill-treatment or trafficking. Please provide examples of relevant cases and/or judicial decisions.

Article 14

21. Please provide information on redress and compensation measures, including the means of rehabilitation ordered by the courts and actually provided to any victims of torture or their families since the consideration of the previous report. This should include the number of requests for compensation that have been made, the number granted and the amounts ordered and actually provided in each case. Please also provide information on any ongoing reparation programmes, including treatment of trauma and other forms of rehabilitation provided to victims of torture and ill-treatment, and on the material, human and budgetary resources allocated for their effective functioning.

Article 15

22. Please provide information on concrete measures taken to ensure respect, both in law and in practice, for the principle of inadmissibility of evidence obtained through torture. Please provide examples of any cases that have been dismissed by the courts owing to the introduction of evidence or testimony obtained through torture or ill-treatment.

Article 16

23. Please provide information on measures taken to clarify and regulate the involuntary placement of patients in psychiatric or social welfare institutions abroad, through the conclusion of bilateral agreements with Austria and Switzerland. Please indicate whether persons who are subjected to an involuntary placement order by a Liechtenstein court and transferred to a psychiatric or social welfare establishment outside the country are provided with legal safeguards, such as being heard in person by a judge, requesting a judicial review of the placement decision and obtaining an independent psychiatric expert opinion in the context of the placement procedure.

Other issues

24. Please provide updated information on the measures taken by the State party to respond to threats of terrorism. Please describe whether those measures have affected

[9] Ibid., para. 29.
[10] Ibid., paras. 23–24.

human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State party has ensured that those measures are compatible with its obligations under international law, especially the Convention. Furthermore, please indicate what training is given to law enforcement officers in this area; how many persons have been convicted under legislation adopted to combat terrorism; what legal safeguards and remedies are available in law and in practice to persons subjected to antiterrorism measures; and whether there have been complaints of the non-observance of international standards in applying measures to combat terrorism and, if so, what the outcome was.

25. Please provide information on any intention on the part of the State party to ratify other core United Nations human rights treaties to which it is not yet a party.

General information on other measures and developments relating to the implementation of the Convention in the State party

26. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the previous report to implement the provisions of the Convention or the Committee's recommendations, including institutional developments, plans or programmes. Please indicate the resources allocated and statistical data. Please also provide any other information that the State party considers relevant.